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DATE FILED: 2/16/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT WEEKES, Individually, and On Behalf of
All Others Similarly Situated,

Plaintiff,

-against-

EDUCATIONAL TESTING SERVICE,

Defendant.

1:21-cv-10789-MKV

ORDER OF DISMISSAL

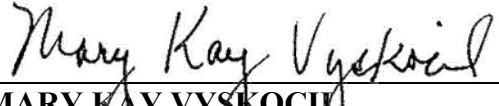
MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter filed by Defendant informing the Court that the parties have reached a settlement in principle [ECF No. 10]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by March 16, 2022. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

The Clerk of Court is respectfully requested to terminate docket entry 10.

SO ORDERED.

Date: February 16, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge